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UNCLAS SECTION 01 OF 04 KHARTOUM 000334

AIDAC

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ADDIS ABABA FOR USAU
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TAGS: [EAID](#) [ASEC](#) [PGOV](#) [PREL](#) [KPKO](#) [SOCI](#) [AU](#) [UNSC](#) [SU](#)
SUBJECT: SUGGESTED DONOR RESPONSE TO THE NGO EXPULSIONS

REF: (A) KHARTOUM 319
(B) KHARTOUM 313
(C) KHARTOUM 311
(D) KHARTOUM 306
(E) KHARTOUM 299
(F) KHARTOUM 323

SUMMARY

[¶1.](#) (U) This is an action request, please see para 9.

[¶2.](#) (SBU) SUMMARY: The US Embassy and other donor missions in Khartoum continue to work closely with the UN Mission in Khartoum to assess the impact of the NGO expulsions and examine possible responses. Today the UN began a one-week joint field assessment in Darfur with the GOS to assess the gap caused by the departure of the 13 INGOs. Following this assessment, the UN and the GOS will negotiate a plan for going forward on how humanitarian assistance can best be delivered in Darfur. In an effort to coordinate USG messaging with the UN as the latter continues to negotiate with the GOS, post proposes making several points to UN representatives spelling out what the USG will and will not fund. These points have been discussed with DFID and ECHO, who are currently preparing similar messaging. END SUMMARY.

UN EFFORTS THUS FAR

[¶3.](#) (SBU) In the days since the GOS expelled 13 INGOs, the UN has worked tirelessly to liaise with GOS officials, hoping to convince the Sudanese government to reverse or delay its decision. The GOS remains firm in its public and private statements that it will not reverse the decision and appears likely to stick to this position. This has put the UN in an extremely difficult position, as the Sudanese government has publicly declared that the UN (and presumably, donors) is responsible for continuing to provide humanitarian assistance to the Sudanese people. As such, UN agencies are examining options for both the short and longer term.

UN PUBLIC MESSAGING

[¶4.](#) (SBU) The UN Secretary General released a statement noting the irrevocable damage the expulsions will cause if implemented and appealing for the GOS to reconsider. (Note: Given the immense task

that may soon be thrown at the feet of the UN, this is a principled stand and the right thing to do, but post notes that the political reality in Sudan has moved far beyond this. It is highly unlikely that the GOS will reverse the decision. End note.) Underscoring that the humanitarian operations of the expelled agencies are key to maintaining a lifeline to 4.7 million Sudanese people who receive aid in Darfur, the Secretary-General emphasized that the organizations provide humanitarian assistance in a neutral and impartial manner. The Secretary-General also highlighted concern regarding the safety and security of national and international humanitarian workers and program assets and appealed for the immediate end to the GOS's confiscation of equipment, money and other materials from non-governmental organization (NGO) staff.

15. (U) Six UN agencies issued a joint statement declaring concern regarding the expulsions, ongoing asset seizure, and remaining organizations' inability to fill the essential service gaps in the short term. According to the UN Children's Fund, Office of the UN High Commissioner for Refugees, UN Joint Logistics Center (UNJLC), UN World Food Program (WFP), UN World Health Organization, and UN Office for the Coordination of Humanitarian Affairs (OCHA), the NGO suspension removes 6,500 humanitarian staff from critical programs in Darfur. Although the UN agencies affirmed a commitment to try to cover the critical gaps caused by the suspension, the statement highlighted that the remaining humanitarian capacity in Sudan is insufficient to meet the significant needs of the affected populations.

16. (SBU) OCHA's Assistant Secretary General briefed the UN Security Council on the consequences of the GOS' decision to expel the NGOs and urged Council members to lobby Khartoum for a reversal of the decision, arguing that the NGOs are not associated with the ICC. In

KHARTOUM 00000334 002 OF 004

addition, OCHA stressed the implications of the decision on security, noting that further IDP displacement into Chad might aggravate tensions along the Chad-Sudan border. The expulsion decision also has the potential to weaken the north-south border and Comprehensive Peace Agreement between northern Sudan and Southern Sudan as it impacted the "three areas" covered by the CPA. Ultimately, OCHA noted if the decision holds, the UN would be unable to meet the service gap and the expulsions would undermine the UN's operational capacity throughout Sudan. (Note: The GOS disputes this and believes the UN is exaggerating its figures. In fact the UN is scrambling to justify some of its figures, according to sources within the UN, but there is no doubt that there will be a gap, that the GOS cannot fully absorb it, and that the UN will likely be called upon to address any crisis that occurs. End note.) OCHA also issued a situation report summarizing current needs, responses, and gaps in humanitarian sector programs. OCHA has taken the lead on coordinating NGOs responses, compiling NGO complaints, and concerns regarding the ongoing situation.

UN's THREE TRACK APPROACH

17. (SBU) On March 10, John Holmes briefed the Humanitarian Liaison Working Group and outlined the UN's 3-track approach to addressing the crisis caused by the expulsion of the NGOs from Sudan. 1) UN will continue to oppose the expulsions of NGOs from Sudan and continue to pressure the GOS to reverse its decision. Holmes believes it is unlikely the GOS will reverse its decision; however, he noted that it remains important to continue taking a principled approach. 2) UN will work to mitigate immediate risks and identify critical life-saving gaps. Immediate interventions are needed in critical sectors in order to prevent deterioration in the condition of populations in Darfur. The UN World Food Programme (WFP) will do a two-month food distribution in the coming weeks. In some areas of Darfur, WFP currently lacks accurate beneficiary distribution lists as such data were confiscated by the GOS from WFP implementing partners when they were expelled. The UN will also try to respond to the meningitis outbreaks in Kalma camp and Nertiti since the expulsion of MSF (Medicins Sans Frontieres). 3) UN and partners will explore options to continue providing humanitarian services to conflict-affected populations in Sudan in a stable and predictable

manner. Holmes noted that NGOs that remain in Sudan feel extremely vulnerable with the environment of intimidation and ongoing threat of expulsion hanging in the air for those NGOs still in Sudan. Holmes stressed that the humanitarian community needs to know what guarantees or assurances the GOS can provide that will allow aid operations to continue through remaining agencies. The UN has been working with the GOS to track NGO assets that had been seized by the government as well as crucial program-related data on computers that were taken.

GOS - UN Assessment Mission to Darfur

18. (SBU) On March 11, the UN began a joint assessment in Darfur with the GOS/HAC to identify critical gaps in assistance in water, sanitation and hygiene; health and nutrition; food aid; and non-food items and shelter. The assessment is scheduled to run from March 11-18 and include visits to: North Darfur- Abu Shouk camp, Es Salaam camp, Kebkabiya, Shangai Tobay, Zam Zam camp; South Darfur- Kalma camp, Muhajerrya, Sheria, El Daen, Kas; West Darfur- Habila, Mornei, Mukjar, Nertiti, Um Dukhun, Zalingei. The joint teams are tasked with gauging the humanitarian impact of the dissolution of the NGOs and assessing the capacity to meet emergency needs in areas that were once covered by NGO that have been expelled. Additionally, the teams will assess whether the current environment enables emergency response (humanitarian access, safety and security, agreements, permits, coordination, and relations with the authorities.) (Note: It is still too early for any results to have emerged from this assessment, but post will provide a read-out once we hear from the UN and the GOS. End note.) DSRSG for Humanitarian Affairs Ameerah Haqq told CDA Fernandez that the UN chose some areas for assessment (presumably, places such as Shangai Tobay) which are under rebel control, where the GOS will not be able to operate, to provide a fuller picture of the disruption in Darfur.

USG TALKING POINTS ON ASSISTANCE

KHARTOUM 00000334 003 OF 004

19. (SBU) To date, the UN-GOS negotiations have taken place without an extensive consultation between donors and the UN regarding the policies of the major donors to the humanitarian efforts in Darfur, including USAID, DFID, and ECHO (although CDA Fernandez did make clear numerous times to the UN Humanitarian Coordinator that the U.S. will probably not provide direct assistance to GOS entities.) While recognizing the efforts of the UN to try and reach a viable outcome following the disastrous decision of President Bashir and some members of the NCP to expel a total of sixteen local and INGOs, donors must assert their position clearly in order to achieve an outcome that they can support both politically and financially. With this in mind, Post has attempted to identify some of the major issues/redlines for discussion by the inter-agency and possible delivery to both the UN D/SRSG in Khartoum as well as through USUN to UN/OCHA Assistant Secretary General. Following are proposed points for which Post requests Washington input and guidance:

--With regard to the perceived push from the GOS to channel more funding to local organizations, the USG will continue to support organizations that are vetted by the UN as having a proven track record of accountability and delivering assistance based on neutrality and humanitarian principals. USAID will not provide funding directly to local Sudanese organizations, which is in line with its current policies.

--The USG will not turn over US food commodities or USG- procured non-food commodities to Sudanese governmental organizations for management or distribution. All USAID food distribution will be managed through WFP and its partners, and all non-food distribution will be managed through the UNJLC.

--The USG fully supports the UN efforts to negotiate and develop an administrative Framework on behalf of NGOs for the handover of programs (closeout procedures), severance payments, in accordance

with the Labour Act of 1997, return of assets (or handover to UN for allocation to other humanitarian programs) and access. USAID looks to the UN to strongly advocate for the return of NGO program assets (or transfer to remaining NGOs who are able to expand their programming to meet some of the gaps) and personal assets, and for the GOS to adhere to its own laws regarding severance payments (i.e. drop the demand for NGOs to pay six to seven months' additional severance for alleged 'aggressive termination'.)

--USAID will not program new funds immediately. Funding decisions will be based on a solid analysis of needs, and gaps, determination of priority life saving activities, and the capacity of partners to meet the need. USAID fully supports both the UN and other donors' assessment that it will not be possible for the international community to fully meet the gaps created by the removal of 13 international NGOs and three local NGOs.

-- The existing relationship with the GOS, UN, and international community on facilitating humanitarian assistance must be renegotiated. The humanitarian community needs to reevaluate the current structure of the (much abused by Khartoum) Joint Communiqué and the manner of interaction between the UN, NGOs, donors and the GOS.

--Before USAID will make any new, substantial funding commitments, the GOS must immediately approve pending Technical Agreements for existing partners, quickly amending existing Technical Agreements for NGOs that have the capacity to take on additional work, issue entry visas and work permits for NGO staff currently in country, and waive GOS Humanitarian Aid Commission (HAC) hiring approvals for NGOs that wish to hire Sudanese staff from expelled NGOs. This will immediately facilitate NGOs ability to assist the GOS in meeting the humanitarian gaps.

COMMENT

110. (SBU) Donors, the UN and NGOs should develop a united front in their response to the GOS action to expel NGOs from Sudan. Although post strongly supports UN efforts to engage the GOS in negotiations to move us past the initial crisis, we caution against moving too quickly to attempt to fill the gaps created by the government's decision. Although we must follow humanitarian principles when considering our actions, and policies and should have the interests of the people in Darfur foremost in our minds (even if the GOS does

KHARTOUM 00000334 004 OF 004

not,) we note that even with the combined will of the international community, it will not be possible to cover the gap created by the GOS' calamitous expulsion of 13 INGOs in the near to mid-term. Moreover, the UN agencies on the ground in Sudan are best-positioned to assess whether there is an impending humanitarian crisis, and mobilize donors for an emergency relief effort if it is required. We note that such a discussion will likely be carried out both here in Khartoum and especially at the UN in New York, soon after the joint UN-GOS assessment is concluded next week.

FERNANDEZ